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DATE FILED: <u>12-28-09</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF YOUTUBE LLC,

09 Civ. 7073 (DLC) (MHD)

Related to

41 Civ. 1395 (DLC) (MHD)

UNITED STATES OF AMERICA,

Plaintiff,

[PROPOSED] *o*
STIPULATION AND ORDER

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and among the American Society of Composers, Authors and Publishers (“ASCAP”) and YouTube (“YouTube”) (collectively, the “Parties” and individually “Party”), and the Parties request jointly that the Court order, by entering this Stipulation and Order, that:

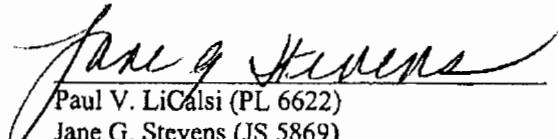
1. Any draft reports of those individuals properly designated by each Party as expert witnesses pursuant to Federal Rule of Civil Procedure 26(a)(2)(A) in the proceeding indicated above (“Experts”), and any correspondence and oral communications between or among a Party’s inside counsel, outside counsel of record and such Experts, except to the extent such correspondence or communications are relied upon by the Expert, or form, to any degree, the basis of the Expert’s opinions, shall not be discoverable or admissible for any purpose in this proceeding. The foregoing shall not affect the discoverability or admissibility of the materials and facts considered or rejected by the Expert in formulating his or her opinions or of documents or other factual information delivered with correspondence between counsel and the Expert.

2. The draft reports, correspondence and oral communications referenced in the previous paragraph shall not be discoverable or admissible for any purpose in any other proceedings.

The Parties, by their counsel, hereby consent to the foregoing Order.

Dated: New York, New York
December 23, 2009

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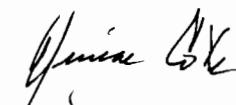
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*Attorneys for American Society of Composers,
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So ordered.



*June Cole
December 28, 2009*

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Attorneys for YouTube LLC

SO ORDERED:

Hon. Denise Cote
United States District Judge

